REMARKS

This paper is submitted in response to the pending Office Action mailed on April 14, 2009. Because this Response is submitted with a Petition for a one month Extension of Time, a check for $130.00 set forth under 37 C.F.R. §1.17(a)(1) and a certificate of mailing in compliance with 37 C.F.R. §1.8 on or before the shortened period for reply set to expire on **August 14, 2009**, this Response is timely filed.

I.   STATUS OF THE CLAIMS

Prior to this Response, claims 1 to 5, 7 and 21 to 30 were pending and at issue. By this Response, claims 1, 5, 21 and 26 have been amended, claims 2 and 22 have been canceled, and no new claims have been added. Thus, claims 1, 3 to 5, 7 and 21, 23 to 30 remain pending and at issue in this application.

The total fees believed due in connection with this Response $130.00, however, Applicants directs the Office to charge **Deposit Account No. 23-1925 (08285-00664)** for any fees deemed owed during the pendency of this application, excluding the issue fee.

II.   CLAIM REJECTIONS

The Office Action rejects: claims 1, 3, 4, 7, 21, 23 and 25 under 35 U.S.C. §103 as obvious over U.S. Patent No. 5,916,302 to Dunn et al. ("*Dunn*"); claims 2, 5, 22, 26, 27, 29 and 30 under 35 U.S.C. §103 as obvious over *Dunn* in view of U.S. Patent No. 6,546,005 to Berkley et al. ("*Berkley*").

A.   CLAIM REJECTIONS UNDER 35 U.S.C. §103

Applicant respectfully traverses the rejection of claims 1, 3 to 5, 7 and 21, 23 to 30 as obvious over *Dunn* with or without *Berkley*. In particular, neither *Dunn* nor the combination of *Dunn* and *Berkley* discloses, or even suggests, each and every element recited by the claims at issue. For example, amended independent claim 1 recites. In relevant part, a method of providing a broadband conferencing service that includes automatically establishing a separate, parallel virtual data channel to facilitate a data communication between the called party and the calling party over a packet data network in response to receiving the telephone call at the telephony network, wherein automatically establishing a separate, parallel virtual data channel

further includes determining a configuration of CPE for the calling party, determining a configuration of CPE for the called party; and establishing the virtual data channel between the calling party and the called party if the configuration of CPE for the calling party is compatible with the configuration of CPE for the called party. Neither *Dunn* nor *Berkley* discloses determining a configuration of CPE much less establishing the virtual data channel between the calling party and the called party if the configuration of CPE for the calling party is compatible with the configuration of CPE for the called party.

As admitted in the Office Action at page 3, *Dunn* does not disclose automatically establishing a virtual data channel. Moreover, *Dunn* does not disclose or even suggest that the virtual data channel may be automatically established after the configuration of CPE for the calling party is determined to be compatible with the configuration of CPE for the called party. Thus, *Dunn* does not disclose each and every element recited by the claims at issue.

The Office Action, in an attempt to address the deficiencies of *Dunn*, mischaracterizes the disclosure of *Berkley*. The Office Action asserts that *Berkley* discloses "determining the configuration of the parties involved"; however, the limitation at issue is directed to determining the configuration of the CPE utilized by the parties and **not** determining the configuration of the parties themselves. Moreover, the relied upon active user registry (AUR) of *Berkley* simply provides a list of contact information and methods associated with a user but provides no information regarding the configuration of CPE associated with contact information. The applicable description of the AUR and FIG. 2 is provided herein for convenience:

> Typically, the user will be identified by name and address, where the address would be used to resolve ambiguities 10 between coexisting names (e.g., John Smith). Where the user is an entity, the identifier could be the name of the entity (e.g., a company name).

> Alternatively, the AUR system permits access of the AUR database by occupation or title of the user, rather than by the -^ individual user's name or identifier. For example, the AUR system may be used to contact, e.g., the guard at the main reception for a particular business or organization, or to contact the head of Security for the business or organization. To

accomplish this, the AUR database would include with 2o certain usernames (this may, but would not have to, include all users in the AUR database) one or more functional descriptions of the activity of work, e.g. job title, cross- references to job occupation, etc. as well as the name of the employer. In the case of an entity as the user, the "occupa- 2s tion" could include a reference to the type of business in which the entity is engaged (e.g., clothing retailer).

For a typical user, the entries in the AUR database 174 might include the following:

Username; UserAlias1; UserAlias2; . . . , HomePhone1; 30 HomePhone2; WorkPhone; WorkSecretary; Cellular- Phone1; VideoPhone; . . . ; WorkVoiceMessages; HomeAnsweringMachine; VideoMailMessages; Beep- erNumber1; . . . ; Email1; Email2; . . . ; WorkFAXl; WorkFAX2; HomeFAX; . . . ; LAN IP; ModemIP; ... 35 ; URL1; URL2; . . . ; Multimedial; Multimedia2; . . . ; ReachNumber

The AUR database consists of a series of user records, each user record containing one or more of the entries listed above. One possible arrangement of the AUR database is 40 shown in FIG. 2. With reference to FIG. 2, the AUR database as depicted consists of N user records, record 201 corresponding to user 1, record 202 corresponding to user 2, record 203 corresponding to user 3, and so forth. Each user record in the AUR database contains entries for the above- 45 listed user communications contact information. Thus, as shown in the example of FIG. 2, record 201 corresponding to user 1 consists of a set of entries 210, 220, 230, 240, 250, 260, 270, 280 and 290, each corresponding to a different category with each entry potentially consisting of one or 50 more information data elements.

The corresponding function of these entries in the user record will now be described. The data elements in entry category 210 correspond to identifier information. Username represents the formal name of the user to whom the listed 55 information corresponds (similar to a name listed in a telephone directory), and could typically include further identifying information such as home street address, home city or town, and/or employer name and location; such further identifying information would be useful in resolving 60 ambiguities that may occur in locating the desired user record in the AUR database (e.g., which Jane Smith). UserAlias1, UserAlias2, etc. represents other names (such as nicknames or initials) by which the user is known. In addition, the data in entry category 210 could include 65 identifying information, such as a picture, a handwritten signature, fingerprints, etc. *See Berkley* at col. 7, lines 9 to 67.

Thus, it is clear that the AUR of *Berkley* stores is a dynamic data structure (such as a linked list or a hashed table) of all the ways in which an individual or entity user can be reached via some type of communication network. In other words, *Berkley*, contrary to the relied upon characterization relied upon in the Office Action, does not disclose or suggest that the virtual data channel may be automatically established after the configuration of CPE for the calling party is determined to be compatible with the configuration of CPE for the called party. Thus, *Berkley* does not provide the disclosure missing from *Dunn*.

Because *Dunn* either alone or in combination with *Berkley* does not disclose each and every element recited by the claims at issue, these references cannot be the basis upon which a *prima facie* case of obviousness is established. Moreover, it is clear from *Dunn* that equipment utilized in connection with the multimedia conferencing system is **assumed** to be compatible and configured to work with the system of *Dunn*. In other words, there exists no reason in *Dunn* to determine or even check the configuration because non-compatible equipment is not (or cannot) be utilized with the system of *Dunn*.

III.   CONCLUSION

For the foregoing reasons, Applicant respectfully requests withdrawal of the pending rejections and submits that the above-identified patent application is now in condition for allowance and earnestly solicits reconsideration of same. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting prosecution of this application.

Respectfully submitted,

BRINKS HOFER GILSON & LIONE

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